State of New Hampshire Banking Department

) Case No.: 07-181

) Notice of Hearing - Cease and Desist

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In re the Matter of:

Petitioner,

Alwayslending LLC and Michael J.

Respondents

Department,

and

Throneberry,

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Pursuant to RSA 397-A:18 II, the Banking Department of the State of New Hampshire (hereinafter the "Department") has the authority to issue and cause to be served an order requiring any person engaged in any act or practice constituting a violation of RSA 397-A or any rule or order thereunder, to cease and desist from violations of RSA 397-A.

NOTICE OF HEARING

Pursuant to RSA 397-A:21 the Commissioner has the authority to suspend, revoke or deny any license and to impose administrative penalties of up to \$2,500.00 for each violation of New Hampshire banking law and rules.

Pursuant to RSA 383:10-d, the Commissioner shall have exclusive authority and jurisdiction to investigate conduct that is or may be an unfair or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or that may violate any of the provisions of Titles XXXV and XXXVI and administrative rules adopted thereunder. The Commissioner may hold hearings

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relative to such conduct and may order restitution for a person or persons adversely affected by such conduct.

The Department issued the Respondent a Cease and Desist Order on July 30, 2007. A timely request for hearing was received in this matter. A hearing was scheduled and a subsequent motion to continue was granted.

The Department alleges the following:

Issue 1: Unlicensed mortgage broker activity for which the Respondent received compensation.

THEREFORE, IT IS ORDERED, that the Respondent appear before the New Hampshire Banking Department on October 18, 2007 at 10:00 am, at the Department's offices at 64B Old Suncook Road, Concord, New Hampshire, for the purpose of participating in an adjudicative proceeding, at which time the Respondent will have the opportunity to demonstrate why the cease and desist order should not become permanent; and

IT IS FURTHER ORDERED, that any proposed exhibits shall be pre-marked, for identification only, and filed with the Department and provided to the opposing party prior to October 16, 2007. Hearing Counsel shall pre-mark the Department's exhibits with Arabic numbers. The Respondents shall pre-mark exhibits with capital letters. An index/list of exhibits providing a brief description of each exhibit with its corresponding pre-marked number or letter shall be filed by both parties simultaneous with the filing of exhibits; and

IT IS FURTHER ORDERED, that the parties shall exchange a list of all exhibits and witnesses to be called at the hearing with a brief summary **prior** to October 16, 2007, and shall at the same time file a copy of their respective lists with the Presiding Officer; and

IT IS FURTHER ORDERED, that all previous orders in this matter are to remain in full force and effect.

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2	SO ORDERED,
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5	Commissioner State of New Hampshire
6	Banking Department
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